

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARK WOODARD,

Plaintiff,

v.

ORDER

22-cv-685-jdp

CITY OF BELOIT, WISC., SCHNEIDER,
E. KRUGER, ROCK COUNTY, WISC.,
and ASSESSOR,

Defendants.

Plaintiff Mark Woodard, appearing *pro se*, has filed this lawsuit and paid the entire filing fee. Because Woodard is not proceeding *in forma pauperis*, he is responsible for serving the summons and complaint on defendants. *See* 28 U.S.C. § 1915(d) (“officers of the court shall issue and serve all process . . . in [in forma pauperis] cases.”). On December 2, 2022, the clerk’s office issued and mailed summonses to Woodard for service on defendants, along with instructions on how to serve a complaint by summons or by waiver under Federal Rule of Civil Procedure 4, dkt. 2.

After Woodard’s 90-day period to serve defendants expired, the court issued an order directing Woodard to file proof of service or show good cause for his failure to serve defendants, dkt. 9. Woodard has responded with a letter stating that it his not his responsibility to serve defendants and that in any event some of the defendants’ full identities and whereabouts are unknown, dkt. 10.

Woodard is mistaken that it is not his responsibility to accomplish service. This case will be dismissed unless he does so. I take him to be saying that he does not know the full identities of defendants Schneider, Kruger, and “Assessor,” but that still leaves the city of Beloit and Rock County as entities that Woodard can serve. If need be, the court can treat Schneider, Kruger,

and “Assessor” as “John Doe” defendants and will later explain to the parties how Woodard can use discovery to try to learn their identities. But it is still his duty to arrange for service of at least Beloit and Rock County. The court will give him a short time to accomplish service or show good cause for his failure to do so.

ORDER

It is ORDERED that:

- (1) Plaintiff may have until April 24, 2024, to file proof of service or show good cause for his failure to serve defendants.
- (2) The clerk of court is directed to send plaintiff another copy of the court’s instructions for effecting service of process.

Entered this 24th day of March, 2023.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge